

relating to on-premise permits; sale or service on certain public conveyances; (10) issuance of server's permits, with certain conditions and restrictions, and cancellation or suspension of server's permits; (11) increased fees for wine and beer retailer's permits; (12) Wine and Beer Retailer's Off-Premise Permits; (13) levy of permit fees by counties, cities, and towns; (14) collection of increased fees; (15) notice to the county judge on applications for certain permits; (16) permit fees and other provisions relating to private clubs; (17) surety bonds of permittees and licensees; (18) employment of minors; (19) drinking by minors, related offenses, and trial of minors; (20) sale and possession of liquor in certain small containers; (21) the felony offense of carrying certain weapons while being in certain premises; (22) "tied house" and related trade practices; (23) tax stamps on cartons of miniature bottles; (24) hours of sale by on-premise permittees; (25) sales to minors; (26) disposition of seized alcoholic beverages and proceeds of sale; (27) enforcement of the Act and arrest without warrant; (28) effect of this Act on present local option status; (29) future local option elections; (30) election issues; (31) scope of certain cancellations and suspensions, and reinstatement of permit or license under certain circumstances; (32) suit for forfeiture of seized property and proceeds in escrow derived from the sale of seized alcoholic beverages and property; (33) the annual fee for a retail dealer's on-premise license; (34) the annual fee for a retail dealer's off-premise license; (35) betting or gambling on license premises; (36) appearance before the liquor control board by a member of the legislature; (37) drinking while driving; (38) private carrier permits; providing for cumulative effect of the Act; providing for severability; and declaring an emergency.

The bill was read second time.

Question—Shall C. S. H. B. No. 1 be passed to third reading?

#### Recess

On motion of Senator Blanchard the Senate at 5:50 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.

#### After Recess

#### FOURTEENTH DAY

(Continued)

(Friday, June 28, 1968)

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

#### Presentation of Guest

Senator Bates, by unanimous consent, introduced Rostram Kavoussi, President of the Student Body at The University of Texas to the Members of the Senate.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
June 28, 1968.

Hon Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 2 and has requested the appointment of a Conference Committee to consider the differences between the two Houses, by vote of 115 ayes, 20 noes. House conferees: Atwell, Cory, Moyer, Wayne, Nugent of Kerr.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Committee Substitute House Bill 1 on Second Reading

The President laid before the Senate as pending business H. B. No. 1 (same having been read second time on Thursday, June 27, 1968).

Question—Shall C. S. H. B. No. 1 be passed to third reading?

#### Executive Session

On motion of Senator Blanchard and by unanimous consent the Senate agreed to hold an Executive Session at 11:00 o'clock a.m. today (he having given notice on Tuesday, June 25, 1968).

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be a member of the Board of Regents of State Senior Colleges, for a six-year term to expire January 10, 1973: Emil Rassman of Midland, Midland County.

To be District Judge of the 75th Judicial District, filling the unexpired term of Judge P. C. Matthews, resigned: Thomas A. Wheat of Liberty, Liberty County.

To be a member of the State Seed and Plant Board, for a term to expire October 6, 1968: Heino Staffel, Jr. of Austin, Travis County.

To be a member of the State Seed and Plant Board, for a term to expire October 6, 1968: Garwood Gerdes of Giddings, Lee County.

To be a member of the Board of Managers of the Texas State Railroad, for a term to expire April 8, 1971: William C. Richards of Athens, Henderson County.

To be a member of the Board of Managers of the Texas State Railroad, for a term to expire April 8, 1973: E. M. Decker, Jr. of Jacksonville, Cherokee County.

To be a member of the Texas Civil Judicial Council, for a six-year term to expire July 1, 1973: Maurice Brooks of Abilene, Taylor County.

To be an Associate Justice of the Court of Civil Appeals for the Fourteenth Supreme Judicial District: John Barron of Bryan, Brazos County.

To be District Judge of the 91st Judicial District, filling the unexpired term of Judge Frank Sparks, resigned: Earl Conner, Jr., of Eastland, Eastland County.

To be a member of the Board of Regents of State Senior Colleges, for a six-year term to expire January 10, 1973: William C. Donnell of Marathon, Brewster County.

To be District Attorney for the 47th Judicial District, filling the unexpired term of Gene Compton, resigned: Thomas A. Curtis of Amarillo, Potter County.

To be a member of the Board of Regents of Texas Woman's Univer-

sity, filling the unexpired term of Mrs. John Hazlewood, resigned, term to expire January 10, 1969: Mrs. E. L. Green, Jr., of Pampa, Gray County.

To be a member of the State Seed and Plant Board, for a term to expire October 6, 1969: Dr. Morris E. Bloodworth of College Station, Brazos County.

To be a member of the Board of Regents of State Senior Colleges, for a six-year term to expire January 10, 1973: J. C. Kellam of Austin, Travis County.

To be a member of the Texas Board of Chiropractic Examiners, for a six-year term to expire August 4, 1973: Dr. Charles E. Courtion of San Angelo, Tom Green County.

To be a member of the Board of Directors of Texas Southern University, for a six-year term to expire February 1, 1973: M. J. Anderson of Austin, Travis County.

To be Acting Commissioner of Labor Statistics, filling the unexpired term of Charles H. King, Jr., resigned, term to expire January 31, 1969: Tommy V. Smith of Austin, Travis County.

To be a member of the Texas Board of Chiropractic Examiners, for a term to expire August 4, 1973: Dr. C. T. Harkey, Jr. of Victoria, Victoria County.

To be a member of the State Board of Health, for a six year term to expire June 12, 1973: Royce Wisenbaker of Tyler, Smith County.

To be District Attorney for the 155th Judicial District: Oliver Kitzman of Brookshire, Waller County.

To be District Judge of the 155th Judicial District, filling the unexpired term of Judge J. Lee Dittert, deceased: Paul Huser of Schulenburg, Fayette County.

To be Judge of the County Court Number Two of Galveston County, filling the unexpired term of Judge Hugh Gibson, Jr., resigned: Jerome Jones of Galveston, Galveston County.

To be a Commissioner to the National Conference on Uniform State Laws, for a term to expire July 7, 1969: Millard H. Ruud of Austin, Travis County.

To be a member of the Veterans Land Board, for a four-year term to expire December 29, 1970: John S. Burns of Austin, Travis County.

To be a member of the Fannin State Park Advisory Board, for a term to expire September 5, 1971: Mrs. Hatty Swickheimer of Goliad, Goliad County.

To be a member of the Board of Regents of the University of Texas, for a six-year term to expire January 10, 1973: Joe M. Kilgore of Austin, Travis County.

To be Firemen's Pension Commissioner, for a two-year term to expire July 1, 1969: Mrs. Marie Hudson Winters of Austin, Travis County.

To be a member of the Texas Water Development Board, for a six-year term to expire December 30, 1973: Marvin Shurbert of Petersburg, Hale County.

To be a member of the State Securities Board, for a six-year term to expire January 15, 1973: Carl L. Phinney of Dallas, Dallas County.

To be a member of the Tuberculosis Advisory Committee, filling the unexpired term of Henry Lauderdale deceased, term to expire August 31, 1971: John H. Ginsbach of Alamo, Hidalgo County.

To be a member of the Veterans Affairs Commission, for a six-year term to expire June 12, 1973: J. Walter Janko of Somerville, Burleson County.

To be a member of the Texas Water Quality Board, for a term to expire September 1, 1973: Gordon Fulcher of Atlanta, Cass County.

To be a member of the State Board of Health, for a six-year term to expire June 12, 1973: Dr. N. L. Barker of Paris, Lamar County.

To be a member of the Board of Directors of the Upper Guadalupe River Authority, for a term to expire November 1, 1972: Harry Schwethelm of Kerrville, Kerr County.

To be a member of the Texas Employment Commission, for a six-year term to expire November 21, 1972: William Sherman Birdwell of Austin, Travis County.

To be a member of the State Board of Medical Examiners, for a six-year term to expire April 13, 1973: Dr. H. R. Coats of Tyler, Smith County.

To be a member of the State Seed and Plant Board, for a term to expire October 6, 1969: B. Raymond Evans of Tulia, Swisher County.

To be a member of the Board of Directors of the Upper Guadalupe River Authority, for a term to expire November 1, 1972: Fred Junkin of Kerrville, Kerr County.

To be a Commissioner to the National Conference on Uniform State Laws, for a term to expire July 7, 1969: W. O. Shafer of Odessa, Ector County.

To be a member of the Board of Directors of the Upper Guadalupe River Authority, for a term to expire November 1, 1972: Frank Harrison of Hunt, Kerr County.

To be a member of the Texas Fine Arts Commission, to fill the unexpired term of Tom Lea, resigned, term to expire September 1, 1973: Charles A. Stewart of Brownwood, Brown County.

To be a member of the Board of Regents of Texas Woman's University, for a six-year term to expire January 10, 1973: Mrs. Nelda C. Stark of Orange, Orange County.

To be a member of the Finance Commission of Texas, for a six-year term to expire February 1, 1973: Robert A. Mann of Trinidad, Henderson County.

To be a member of the Texas Turnpike Authority, for a six-year term to expire February 13, 1973: Marshall H. Warder of Grand Prairie, Dallas County.

To be a member and Chairman of the State Board of Insurance, to fill the unexpired term of William Hunter McLean, resigned, term to expire January 31, 1969: George Cowden of Waco, McLennan County.

To be a member of the State Board of Health, for a six-year term to expire June 12, 1973: Dr. Robert D. Moreton of Houston, Harris County.

To be Director-at-Large of the Tri-County Municipal Water District, for a two-year term to expire July 22, 1969: R. T. Swilling, Jr., of Whitney, Hill County.

To be a member of the State Board of Pharmacy, for a six-year term to expire June 14, 1973: John Richard Fowler of Memphis, Hall County.

To be a member of the State Board of Registration for Public Surveyors, for a term to expire September 6, 1971: William W. Green of Corpus Christi, Nueces County.

To be a member of the Texas Board of Mental Health and Mental Retardation, for a six-year term to expire January 31, 1973: Elbert E. Hall of Abilene, Taylor County.

To be a member of the Radiation Advisory Board, for a term to expire October 13, 1969: Dr. Lloyd Hersberger of San Angelo, Tom Green County.

To be a member of the State Board of Medical Examiners, for a six-year term to expire April 13, 1973: Dr. Robert L. Daily of Wichita Falls, Wichita County.

To be a member of the Board of Regents of Texas Woman's University, for a six-year term to expire January 10, 1973: Wendell W. Mayes of Brownwood, Brown County.

To be a member of the State Board of Pharmacy, for a six-year term to expire June 14, 1973: Sam G. Wood of Killeen, Bell County.

To be a member of the Radiation Advisory Board, for a term to expire October 13, 1969: Dr. Julius W. Dieckert of College Station, Brazos County.

To be a member of the State Seed and Plant Board, for a term to expire October 6, 1968: Grady C. Clark, Jr. of Corpus Christi, Nueces County.

To be a member of the Board of Directors of Texas Technological College, for a six-year term to expire February 19, 1973: Marshall Formby of Plainview, Hale County.

To be a member of the State Highway Commission, filling the unexpired term of Halbert O. Woodward, resigned, term to expire February 15, 1971: Garrett Morris of Fort Worth, Tarrant County.

To be a member of the Texas Board of Corrections, for a six-year term to expire February 2, 1973: H. H. Coffield of Rockdale, Milam County.

To be a member of the State Board of Examiners in the Basic Sciences, for a six-year term to expire July 23, 1973: Eb. C. Girvin of Georgetown, Williamson County.

To be a member of the State Depository Board, for a two-year term to expire August 23, 1969: Lewis R. Timberlake of Austin, Travis County.

To be a member of the Board of Regents of the University of Texas, to fill the unexpired term of W. W. Heath, resigned, term to expire January 10, 1971: Dr. Edward T. Ximenes of San Antonio, Bexar County.

To be a member of the Texas Industrial Commission, for a six-year term to expire February 15, 1973: Gerald Brown of Austin, Travis County.

To be a member of the Public Safety Commission, filling the unexpired term of Garrett Morris, resigned, term to expire December 31, 1973: Marion T. Key of Lubbock, Lubbock County.

To be a member of the Board of Regents of the University of Houston, for a six-year term to expire September 1, 1973: Mrs. Gus Wortham of Houston, Harris County.

To be a member of the Board of Regents of the University of Houston, for a six-year term to expire September 1, 1973: A. J. Farfel of Houston, Harris County.

To be a member of the Board of Regents of the University of Houston, for a six-year term to expire September 1, 1973: C. T. Parker of Houston, Harris County.

To be a member of the Texas Aeronautics Commission, for a term to expire December 31, 1972: William N. Allan of San Antonio, Bexar County.

To be a member of the Burial Association Rate Board, for a term to expire June 21, 1973: D. C. Luckey of Rockdale, Milam County.

To be a member of the Burial Association Rate Board, for a term to expire June 21, 1973: Dr. John T. King of Austin, Travis County.

To be a member of the State Board of Morticians, for a six-year term to expire May 31, 1973: Charles L. Villaseñor of Austin, Travis County.

To be a member of the Texas Youth Council, for a six-year term to expire September 1, 1973: Louis Henna of Round Rock, Williamson County.

To be a member of the Texas State Historical Survey Committee, to fill the unexpired term of Lewis R. Timberlake, resigned, term to expire January 1, 1971: Mrs. Frank M. Covert, III of Austin, Travis County.

To be a member of the Board of Trustees of the Texas County and District Retirement System, for a term to expire December 31, 1971: A. J. Ploch of San Antonio, Bexar County.

To be a member of the State Board of Barber Examiners, for a six-year term to expire May 19, 1973: H. D. Stewart, Jr., of Big Spring, Howard County.

To be a member of the Board of Trustees of the Texas County and District Retirement System, for a term to expire December 31, 1971: Lester Crutchfield of Paris, Lamar County.

To be a member of the Texas Industrial Commission, for a six-year term to expire February 15, 1973: William F. Farah of El Paso, El Paso County.

To be a member of the Texas Board of Corrections, for a six-year term to expire February 2, 1973: Cloyce K. Box of Frisco, Collin County.

To be a member of the Board of Directors of A. & M. University, filling the unexpired term of Gardiner Symonds, resigned, term to expire January 10, 1969: Ford Albritton, Jr. of Bryan, Brazos County.

The Secretary of the Senate informed the Journal Clerk that the Senate had rejected the following nominations of the Governor:

To be a member of the State Board of Examiners in Optometry, for a term to expire August 11, 1971: Dr. Daniel J. Geller of El Paso, El Paso County.

To be a member of the State Board of Examiners in Optometry, for a term to expire August 11, 1971: Dr. Charles T. Shropshire of Dallas, Dallas County.

### Recess

Senator Moore moved that the Senate stand adjourned until 10:30 o'clock a.m. on Monday, July 1, 1968.

Senator Christie moved that the Senate take recess until 2:00 o'clock p.m. today.

Question first on the motion to adjourn until 10:30 o'clock a.m. on Monday, July 1, 1968, "Yeas" and "Nays" were demanded.

The motion was lost by the following vote:

Yeas—12

Blanchard	Mauzy
Creighton	Moore
Hall	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Hightower	Watson

Nays—17

Aikin	Harrington
Bates	Harris
Bernal	Herring
Berry	Kennard
Brooks	Schwartz
Christie	Strong
Cole	Wilson
Connally	Word
Grover	

Absent

Jordan	Wade
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Question recurring on the motion to take recess until 2:00 o'clock p.m. today, the motion prevailed.

Accordingly, the Senate at 12:30 o'clock p.m. took recess until 2:00 o'clock p.m. today.

### After Recess

The President called the Senate to order at 2:00 o'clock p.m.

### Reports of Standing Committees

Senator Herring by unanimous consent submitted the following report:

Austin, Texas,  
June 28, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 11, have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,  
June 28, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities, and Towns, to which was referred H. B. No. 23, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

#### Senate Resolution 194

Senator Wilson by unanimous consent offered the following resolution:

Whereas, On this 28th day of June, 1968, a freshman member of the Texas Senate has gained a year in age; and

Whereas, Although he has gained a year in age, he has probably acquired 10 years in wisdom and experience; and

Whereas, This dashing young Senator has often been called "Bret Maverick" by his colleagues, not because of his actions, but because of his good looks; and

Whereas, Said Senator has been the standard bearer of many varied causes, from such non-controversial matters as horse racing and liquor by the drink to championing the cause of the Tigua Indians and befriending the horned toads; and

Whereas, Many observers find it hard to believe that the handsome Senator is old enough to take a drink, let alone sponsor such important legislation; and

Whereas, The Senator from El Paso was named the "Most Outstanding Freshman Senator" of the 60th Legislature by the Sheriff's Association; now, therefore, be it

Resolved, That the Members of the Senate of the 1st Called Session of the 60th Legislature wish a very happy Birthday to Joe Christie and extend greetings and felicitations on this important milestone in a great career and good luck for a long life of meritorious service.

WILSON.

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Word.

The resolution was read.

On motion of Senator Bernal and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.

#### Committee Substitute House Bill 1 on Second Reading

The Senate resumed the consideration of the pending business, same being C. S. H. B. No. 1, on its second reading and passage to third reading.

Question, Shall C. S. H. B. No. 1 be passed to third reading?

Senator Bates offered the following amendment to the bill:

Amend C. S. H. B. No. 1, subparagraph 2(g), Section 9, page 9 by deleting same in its entirety, and substituting therefor the following: (g) that the applicant is in the habit of using alcoholic beverages to excess, is insolvent, or mentally or physically unable to carry on the management of his establishment.

The amendment was read.

Senator Strong offered the following substitute for the pending amendment by Senator Bates:

Amend the Committee Substitute for H. B. No. 1 in the following particulars:

(1) Delete in its entirety Section 9 thereof and renumber all subsequent sections thereof accordingly.

(2) Amend Section 8 by deleting therefrom subdivision (b½) at lines 43-53, page 6 and 1-20, page 7.

(3) Amend Section 20 at page 28 lines 19-40 by deleting all of that section and substituting therefor the following:

"Sec. 20. That Subsection (15), Section 17 of Article I of the Texas

Liquor Control Act as last amended by Acts 1951, 52nd Legislature, Regular Session, Chapter 66, Section 3, p. 110, be and the same is hereby amended so as hereafter to read as follows:

(15) It shall be unlawful for any person to import, sell, offer for sale, barter, exchange, or possess for the purpose of sale any liquor the container of which contains less than one (1) ounce; provided, however, that in the case of malt or vinous liquor a six (6) ounce container shall be the minimum; provided further that any bona fide common carrier of persons, engaged in interstate commerce, may be authorized by the Board to transport liquor in containers of less than one-half ( $\frac{1}{2}$ ) pint but not for sale, use of consumption in Texas.

The Board may adopt such reasonable regulations as may be necessary to give effect to the above provision.

The substitute for the pending amendment by Senator Bates was read.

(Senator Hardeman in the Chair.)

Senator Christie moved to table the substitute to the pending amendment by Senator Bates.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

#### Yeas—19

Bates	Harris
Bernal	Herring
Berry	Jordan
Brooks	Kennard
Christie	Schwartz
Cole	Wade
Connally	Watson
Grover	Wilson
Hall	Word
Harrington	

#### Nays—11

Aikin	Moore
Blanchard	Patman
Creighton	Ratliff
Hardeman	Reagan
Hightower	Strong
Mauzy	

#### Absent

Hazlewood

Question recurring on the amendment by Senator Bates, the amendment was adopted.

Senator Bates offered the following amendment to the bill:

Amend C. S. H. B. No. 1, Subparagraph (a) and (b), Section 24, page 30, by deleting the same in its entirety, and substituting therefor the following:

"(a) At any time on Sunday between the hours of 1:15 a.m. and 1:00 p.m., or any other day at any time between the hours of 12:15 a.m. and 9:00 a.m."

The amendment was read and was adopted.

#### Record of Votes

Senators Creighton, Aikin, Ratliff, Moore, Strong and Word asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Bates offered the following amendment to the bill:

Amend C. S. H. B. No. 1, third paragraph, subsection (b), Section 26, page 33, by striking the following language: "Any member of the Legislature, or any duly authorized law enforcement agency of the State of Texas," and substituting therefor the following: "any person,"

The amendment was read.

(President in the Chair.)

The amendment was adopted.

Senator Bates offered the following amendment to the bill:

Amend C. S. H. B. No. 1 by deleting Section 36, and renumbering subsequent sections accordingly.

The amendment was read and was adopted.

#### Record of Votes

Senators Hightower, Creighton, Grover, Patman, Strong, Hall, Kennard and Aikin asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Bates offered the following amendment to the bill:

Amend C. S. H. B. No. 1 by deleting all of the language in Section 37, and renumbering the subsequent

sections in conformity to this amendment.

The amendment was read.

Senator Christie moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

#### Yeas—24

Aikin	Herring
Bernal	Hightower
Blanchard	Jordan
Brooks	Kennard
Christie	Mauzy
Cole	Patman
Connally	Ratliff
Creighton	Strong
Grover	Wade
Hall	Watson
Harris	Wilson
Hazlewood	Word

#### Nays—7

Bates	Moore
Berry	Reagan
Hardeman	Schwartz
Harrington	

(Senator Blanchard in the Chair.)

Senator Schwartz offered the following amendment to the bill:

Amend the pending committee substitute for H. B. No. 1 by striking the sentence after the word "guests" beginning on line 40 of page 21 thereof through line 46 thereof ending with the word "thereof."

The amendment was read and was adopted.

#### Record of Votes

Senators Creighton, Moore, Strong, Aikin, Hightower, Watson, Ratliff, Hazlewood and Word asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Brooks offered the following amendment to the bill:

Amend the Committee Substitute for House Bill No. 1, Sec. 10, by deleting therefrom subdivision (5) of subsection (8b) starting on page 17, line 15 and ending on page 18, line 15, and adding in lieu thereof the following:

"(5). The provisions of Sec. 15(a)

of Article I of the Texas Liquor Control Act notwithstanding, application for a Server's Permit shall be made in such manner as prescribed by the Texas Liquor Control Board. It shall be the power and duty of the Board to promulgate Rules and Regulations as are necessary for implementation of issuance, renewal, suspension, and cancellation procedure of Server's Permits.

The amendment was read and was adopted.

Senator Moore offered the following amendment to the bill:

Amend Section 19B of the Committee Substitute for H. B. No. 1, by adding the following sub-section to Section 19B:

(N) No applicant for license for the retail sale of beer or wine for on-premise consumption shall be engaged as owner, lessee, or possessor in the exhibition of coin-operated machines as defined in Title 122a, Article 1301 et seq., Revised Civil Statutes of Texas, 1925, as amended.

(O) Every licensee under this Act licensed to sell beer and wine at retail for on-premise consumption who shall exhibit as owner, lessee, possessor a coin-operated machine as defined in Title 122a, Article 1301 et seq., Revised Civil Statutes of Texas, 1925, as amended, shall forfeit such license.

The amendment was read.

Senator Christie moved to table the amendment.

On motion of Senator Moore, and by unanimous consent, the amendment was withdrawn.

Senator Bernal offered the following amendment to the bill:

Amending Committee Substitute for House Bill No. 1 by deleting Line 41, p. 28 of the Committee Substitute through Line 4, p. 29 of the Committee Substitute and substituting the following:

#### Section 21

Section 1. Article 483, Penal Code of Texas, 1925, as last amended by Section 1, Chapter 340, Acts of the 55th Legislature, Regular Session, 1957, is amended to read as follows:

"Article 483. UNLAWFULLY CARRYING ARMS. (a) Any person who shall carry on or about his per-



son, saddle or in his saddlebags, or in his portfolio or purse any pistol, dirk, dagger, slung shot, blackjack, hand chain, night stick, pipe stick, sword cane, spear, knuckles made of any metal or any hard substance, bowie knife, switch blade knife, spring blade knife, throw blade knife, a knife with a blade over five and one half (5½) inches in length, or any other knife manufactured or sold for the purposes of offense or defense shall be punished by a fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) or by confinement in jail for not less than one (1) month nor more than one (1) year, except that if the offense is committed by a person while in any premises covered by a permit or license issued under the provisions of the Texas Liquor Control Act or at any dance where the public is invited and alcoholic beverages are openly sold, served, or consumed, he is guilty of a felony and upon conviction shall be punished by imprisonment in the state penitentiary for not less than two (2) years nor more than five (5) years.

"(b) Where the misdemeanor offense is proved under allegations constituting a felony under this Article, the misdemeanor shall be a lesser included offense."

Sec. 2. Article II, Texas Liquor Control Act, as amended (Articles 667-1 through 667-33, Vernon's Texas Penal Code), is amended by adding a new Section 19-E to read as follows:

"Section 19-E. (a) Each holder of a license issued under the provisions of the Texas Liquor Control Act shall display in a prominent place on his premise a sign, at least 6 inches high and 14 inches wide, stating:

"'FELONY. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF FIVE YEARS' IMPRISONMENT FOR CARRYING WEAPONS WHERE ALCOHOLIC BEVERAGES ARE SOLD, SERVED, OR CONSUMED."

"(b) A licensee who violates this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$25."

The amendment was read and was adopted.

Senator Bates offered the following amendment to the bill:

Amend H. B. No. 1, paragraph 12, page 26, line 13, 14 and 15 by deleting same in its entirety.

The amendment was read and was adopted.

### Record of Votes

Senator Patman, Hazlewood, Hall and Grover asked to be recorded as voting "Nay" on the adoption of the above amendment.

(President in the Chair.)

Senator Moore offered the following amendment to the bill:

Amend Section 35 of the Committee Substitute for H. B. No. 1, by adding to Section 19B of Article II of the T. L. C. the following subsection:

"(N) No applicant for license for the retail sale of beer or wine for on-premises consumption shall be engaged as owner, lessee, lessor or possessor in the exhibition of coin-operated machines as defined in Title 122a, Article 1301 et seq., Revised Civil Statutes of Texas, 1925, as amended.

"(O) Every licensee under this Act licensed to sell beer and wine at retail for on-premise consumption who shall exhibit as owner, lessor, lessee, possessor a coin-operated machine as defined in Title 122a, Article 1301 et seq., Revised Civil Statutes of Texas, 1925, as amended, shall forfeit such license."

The amendment was read.

Senator Christie moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote:

### Yeas—7

Bates	Connally
Bernal	Harris
Christie	Schwartz
Cole	

### Nays—24

Aikin	Hardeman
Berry	Harrington
Blanchard	Hazlewood
Brooks	Herring
Creighton	Hightower
Grover	Jordan
Hall	Kennard

Mauzy	Strong
Moore	Wade
Patman	Watson
Ratliff	Wilson
Reagan	Word

Question recurring on the adoption of the amendment, the amendment was adopted.

Senator Watson offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 1 as follows:

Add Section 40A to read as follows:

"Sec. 40A. Article I, Texas Liquor Control Act, (Articles 666-1 through 666-57, Vernon's Texas Penal Code), as amended, is amended to add Section 41b to read as follows:

"Section 41b. (a) Any person who is injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person, whether resulting in his death or not, has a right of action to recover damages against any person who, by unlawful selling to or unlawfully assisting in procuring liquor for such intoxicated person, has caused or contributed to such intoxication.

"(b) In case of the death of either party, the action or right of action given by this section shall survive to or against his or her executor or administrator.

"(c) In any case where parents are entitled to damages, either the father or mother may sue alone but recovery by one parent is a bar to suit brought by the other parent."

The amendment was read.

On motion of Senator Christie the amendment was tabled.

#### Record of Vote

Senators Moore, Watson, Harrington, Hall, Strong, Mauzy and Aikin asked to be recorded as voting "Nay" on the motion to table the above amendment.

Senator Harris offered the following amendment to the bill:

Amend Section 9 of Committee Substitute for House Bill 1 by adding at the end of subsection (8a) (1) of Section 15 of Article I just before the word "provided" the following:

"Notwithstanding any other pro-

vision of the Texas Liquor Control Act, no local option election shall be required prior to the issuance of an On-Premise Permit in any area where the sale of all alcoholic beverage has been legalized and where a majority of the voters in such area at the referendum on May 4, 1968, approved the legislative authorization of liquor by the drink."

HARRIS  
WADE

The amendment was read:

Senator Christie moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—28

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Watson
Hardeman	Wilson
Harrington	Word

Nays—3

Harris	Wade
Kennard	

Senator Strong offered the following amendment to the bill:

Amend the Committee Substitute for H. B. No. 1 in the following particulars:

(1) Amend Section 16 of the committee substitute for H. B. No. 1 at page 22 by deleting subdivision (b) thereof (lines 5-19) and substituting therefor the following:

"(b) Locker System shall mean that system of storage whereby a non-profit club may store on the premises of the club distilled spirits in containers of two (2) ounces or less and wine, beer, ale, malt liquor and vinous liquors for consumption only on the premises where stored by the members and their guests. All such alcoholic beverages shall be owned by the members. The club manager or

an officer of such club may be authorized by the members to purchase all such alcoholic beverages, under a duly executed power of attorney from the members, for delivery to the club premises for storage. All such alcoholic beverages shall be stored by the club until such time as the member authorizing such purchase shall request the release thereof for consumption by the member, his family or his guests. Any alcoholic beverages stored on the club premises shall be consumed by the club members or their guests on the premises of the club and it shall be a cause for suspension or cancellation if any person removes any alcoholic beverages from the premises of the club.

Payment for alcoholic beverages in clubs operating under the "Locker System" shall be made by members at the time of release either in cash or by proper entry on club financial records where credit is authorized by the club. No assessment of any kind shall be made on the member at the time of delivery except as reimbursement to the club for the exact cost of purchase.

The determination of whether a club is operated not for profit shall be made by the Board in accordance with rules and regulations regarding such determination promulgated by the Board. Appeal may be taken by an aggrieved party from a Board ruling as to the profit or not for profit character of a club to the District Court of Travis County. The Substantial Evidence Rule will apply in all proceedings before the District Court as to the profit or not for profit character of a club.

The Locker System shall be the only system of alcoholic beverage storage which shall be legal in any area where the pool system is not legal.

(2) Amend committee substitute for H. B. No. 1 by adding a new section thereto, renumbering Section 40 through 42 and designating the new section as Section 40 reading as follows:

"Sec. 40. That Subsection (2) of Section 23(a) of Article I of the Texas Liquor Control Act as last amended by Acts 1937, 45th Legislature, 1st Called Session, Chapter 13, Section 9, p. 1766 is amended so as hereafter to read as follows:

(2) Except as provided in paragraph (b), of Subsection (1) of Section 15(e) of Article I of the Texas

Liquor Control Act, possession of more than one quart of liquor in a dry area shall be prima facie evidence that it is possessed for the purpose of sale."

The amendment was read and was adopted.

Senator Kennard offered the following amendment to the bill:

Amend the Committee Substitute to House Bill No. 1 by striking all of the present Section 37, page 41 of the Committee Substitute, and substituting a new Section 37 to read:

Sec. 37. (1) It is unlawful for any person to operate a motor vehicle on a public road while in possession of any alcoholic beverage in a broken seal or unsealed container, except that an alcoholic beverage in a broken seal or unsealed container may be carried in the luggage compartment, cargo compartment, or other place where it is inaccessible to persons who are passengers in the vehicle.

(2) A person who violates the provisions of this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$50, except that upon conviction for a third offense of this section, the driver's license of the person so convicted shall be suspended for not more than six months.

The amendment was read.

Senator Bates moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

#### Yeas—23

Bates	Harris
Bernal	Hazlewood
Berry	Herring
Brooks	Jordan
Christie	Moore
Cole	Patman
Connally	Reagan
Creighton	Schwartz
Grover	Wade
Hall	Wilson
Hardeman	Word
Harrington	

#### Nays—8

Aikin	Hightower
Blanchard	Kennard

Mauzy  
Ratliff

Strong  
Watson

Senator Strong offered the following amendment to the bill:

Amend the Committee Substitute for H. B. No. 1 in the following particulars:

(1) Delete in its entirety Section 9 thereof and renumber all subsequent sections thereof accordingly.

(2) Amend Section 20 at page 28 lines 19-40 by deleting all of that section and substituting therefor the following:

"Sec. 20. That Subsection (15), Section 17 of Article I of the Texas Liquor Control Act as last amended by Acts 1951, 52nd Legislature, Regular Session, Chapter 66, Section 3, p. 110, be and the same is hereby amended so as hereafter to read as follows:

(15) It shall be unlawful for any person to import, sell, offer for sale, barter, exchange, or possess for the purpose of sale any liquor the container of which contains less than one (1) ounce; provided, however, that in the case of malt or vinous liquor a six (6) ounce container shall be the minimum; provided further that any bona fide common carrier of persons, engaged in interstate commerce, may be authorized by the Board to transport liquor in containers of less than one-half ( $\frac{1}{2}$ ) pint but not for sale, use of consumption in Texas.

The Board may adopt such reasonable regulations as may be necessary to give effect to the above provision.

The amendment was read.

Senator Christie moved to table the amendment.

Question on the motion to table, the motion to table was lost.

Question recurring on the adoption of the amendment by Senator Strong, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

Yeas—15

Aikin  
Bates  
Blanchard  
Connally  
Creighton  
Hall

Hardeman  
Hightower  
Kennard  
Mauzy  
Moore  
Ratliff

Reagan  
Strong

Wilson

Nays—16

Bernal  
Berry  
Brooks  
Christie  
Cole  
Grover  
Harrington  
Harris

Hazlewood  
Herring  
Jordan  
Patman  
Schwartz  
Wade  
Watson  
Word

Question—Shall C. S. H. B. No. 1 be passed to third reading?

#### Conference Committee on House Bill 2

Senator Hardeman called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 2, and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly the President announced the appointment of the following as a committee on the part of the Senate:

Senators Hardeman, Reagan, Ratliff, Bates and Hall.

#### Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read first time and referred to the committees indicated:

By Senators Berry, Bernal and Connally:

S. B. No. 21, A bill to be entitled "An Act relating to the authority of certain counties to enlarge, furnish, equip, operate, and lease parking stations; amending Section 1, Chapter 168, Acts of the 59th Legislature, Regular Session, 1965 (Article 2372s, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Cole:

S. B. No. 22, A bill to be entitled "An Act creating and establishing a Conservation and Reclamation District under Article 16, Section 59 of the Constitution of Texas, to be known as 'Westador Municipal Utility District'; defining the boundaries; de-

termining and finding benefits to the land and other property within the District; finding that the boundaries of the District form a closure; conferring rights, powers, privileges, authorities and functions upon the District; providing for continuing supervision by the State through the Texas Water Rights Commission; providing that the District shall not call a confirmation election; providing for a hearing for exclusions; providing that the District shall use the ad valorem plan of taxation; providing for the issuance of bonds; providing for a Board of Directors; providing for the use of public roadways, streets, alleys and public easements; providing that the District shall bear the expense of relocation of certain properties and facilities; providing for the power to contract with the United States of America, the State of Texas and others, and making provisions for such contracts; providing for the power to borrow money; providing that Article 7880-77b, Vernon's Texas Civil Statutes, shall not be applicable to this District; providing that the bonds of the District are eligible investments; providing for the appointment of a depository and investment of surplus funds; providing for a system of accounts and an audit thereof; finding that the District will be carrying out an essential public function and providing that properties, purchases and bonds of the District are tax-free; providing that the Municipal Annexation Act is not applicable to the creation of the District; finding that the requirements of Article 16, Section 59 of the Constitution have been accomplished; providing that the enactment of this Act is essential and necessary in the preservation and conservation of natural resources; enacting other provisions related to the subject; providing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Committee Substitute House Bill 1 on Second Reading

The Senate resumed the consideration of the pending business, same being C. S. H. B. No. 1 on its second reading and passage to third reading.

Question—Shall C. S. H. B. No. 1 be passed to third reading.

Senator Hazlewood moved to recon-

sider the vote by which the previous amendment by Senator Strong failed of adoption (he having voted on the prevailing side).

The motion to reconsider prevailed.

Question—shall the amendment by Senator Strong to C. S. H. B. No. 1 be adopted?

The amendment by Senator Strong was then adopted.

Senator Bernal offered the following amendment to the bill:

Amend Committee Substitute for House Bill No. 1 by deleting line 26 on page 24 of the Committee Substitute and substituting the following: "the State Treasury to the credit of the State Department of Public Welfare Fund to be divided equally among the Old Age Assistance Fund, the Blind Assistance Fund, the Disabled Assistance Fund and the Children Assistance Fund."

The amendment was read.

On motion of Senator Christie, the amendment was tabled.

Senator Schwartz offered the following amendment to the bill:

Amend the pending substitute for C. S. H. B. No. 1 by striking the words "a credit card recognized by" on line 32 of page 22 and substituting the words "cash from any bona fide guest of" therefor.

The amendment was read and was adopted.

On motion of Senator Christie, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

Question on the passage of C. S. H. B. No. 1 as amended to third reading, "Yeas" and "Nays" were demanded.

The bill (C. S. H. B. No. 1) failed to pass to third reading by the following vote:

Yeas—14

Bates	Grover
Bernal	Harris
Berry	Herring
Brooks	Kennard
Christie	Schwartz
Cole	Strong
Connally	Wilson

## Nays—17

Aikin	Mauzy
Blanchard	Moore
Creighton	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Wade
Hazlewood	Watson
Hightower	Word
Jordan	

## Senate Bill 1 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment S. B. No. 1 (the bill having been read the second time on Tuesday, June 25, 1968).

Question—Shall S. B. No. 1 be passed to engrossment?

## Reports of Standing Committee

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
June 28, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 21, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
CHRISTIE  
WORD

Austin, Texas,  
June 28, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 15, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CHRISTIE

Austin, Texas,  
June 28, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 14, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CHRISTIE

## Memorial Resolutions

S. R. No. 187—By Senator Hazlewood: Memorial resolution for Mrs. Mildred Park.

S. R. No. 188—By Senator Hazlewood: Memorial resolution for Hosea Dean Foster.

S. R. No. 189—By Senator Hazlewood: Memorial resolution for Herbert Fletcher.

## Welcome and Congratulatory Resolutions

S. R. No. 185—By Senator Watson: Extending welcome and privileges of the floor for the day to Dr. Bob Elker.

S. R. No. 186—By Senator Hazlewood: Extending congratulations to Miss Helen Catharine Cline as Bluebonnet Queen of Texas.

S. R. No. 190—By Senator Aikin: Extending welcome to Dr. and Mrs. William C. Ragan.

S. R. No. 191—By Senator Aikin: Extending welcome to Dr. Leon Hoffman.

S. R. No. 192—By Senator Patman: Extending welcome and privileges of the floor for the day to William F. Mason.

S. R. No. 193—By Senator Harrington: Extending welcome and privileges of the floor for the day to Jess Harrington.

S. R. No. 195—By Senator Wilson: Extending welcome and privileges of the floor for the day to John Stiles.

S. R. No. 196—By Senator Wilson: Extending welcome and privileges of the floor for the day to Randy Partin.

S. R. No. 197—By Senators Kennard and Creighton: Extending welcome and privileges of the floor for the day to Garrett Morris.

## Adjournment

On motion of Senator Blanchard the Senate at 4:46 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, July 1, 1968.